

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : William Philip SHAOUY et al. Confirmation No. 7307
Appln No. : 09/810,992 Group Art Unit: 2174
Filed : March 16, 2001 Examiner: Peng Ke
For : IMPROVED METHOD AND APPARATUS FOR TAILORING CONTENT
OF INFORMATION DELIVERED OVER THE INTERNET

REQUEST FOR REFUND

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop 16
Randolph Building
401 Dulany Street
Alexandria, VA 22314
Sir:

Applicants respectfully request a refund in the amount of \$1,020.00 that was charged to Deposit Account No. 09-0457 on April 5, 2006 for a three (3) month extension of time in connection with the filing of the Appeal Brief on April 5, 2006.

The basis of this Request for Refund is that Applicants did not receive a copy of the Notice of Panel Decision from Pre-Appeal Brief Review dated December 5, 2005 in timely manner. Applicants discovered that the Notice of Panel Decision from Pre-Appeal Brief Review dated December 5, 2005 has been mailed only in March of 2006 and then promptly prepared an Appeal Brief in response thereto.

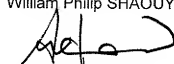
Upon learning that the Notice of Panel Decision from Pre-Appeal Brief Review dated December 5, 2005 was allegedly mailed, Applicant contacted the law firm of McGUIRE WOODS LLP to inquire whether they had received the Notice of Panel Decision from Pre-Appeal Brief Review dated December 5, 2005. They responded by explaining that they had not received it. They also acknowledged our standing

instructions to forward any papers received from the USPTO regarding the instant application to our law firm Greenblum & Bernstein, P.L.C.

Applicants then contacted the Examiner explaining that the Notice of Panel Decision from Pre-Appeal Brief Review dated December 5, 2005 was not received in a timely manner and requesting that the mailing date of the Notice of Panel Decision from Pre-Appeal Brief Review dated December 5, 2005 be reset. The Examiner refused to reset the date explaining that Applicants had not demonstrated that the Notice of Panel Decision from Pre-Appeal Brief Review dated December 5, 2005 was not received in a timely manner. Applicants responded by explaining that it was impossible to prove non-receipt of something, and that Applicants had undertaken reasonable docketing procedures to check the status of filings with the USPTO and to ensure that the application did not become abandoned for failure to timely make such filings. The Examiner disagreed and explained that the mailing date would not be reset.

As Applicants did not timely receive the Notice of Panel Decision from Pre-Appeal Brief Review dated December 5, 2005 so as to allow Applicants to promptly file an Appeal Brief within the one-month time limit set by the Notice of Panel Decision from Pre-Appeal Brief Review dated December 5, 2005, Applicants request payment of the refund be made to Deposit Account No. 09-0457.

Respectfully submitted,
William Philip SHAOUY et al.



Andrew M. Calderon
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August 16, 2006
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